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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,001	04/10/2001	Serge Haumont	PM 277183	1366
7590 09/08/2004				
PILLSBURY WINTHROP LLP 1600 TYSONS BOULEVARD MCLEAN, VA 22102			EXAMINER TON, ANTHONY T	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 09/763,001	Applicant(s) HAUMONT ET AL.	
	Examiner Anthony T Ton	Art Unit 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 5-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 16-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

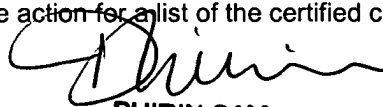
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


PHIRIN SAM
PRIMARY EXAMINER

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/05/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “11” in **Fig.1** has been used to designate both **Internet** and **Intra-oper. backbone**. Accordingly, in page 4 line 4 of the specification, this character should be 13 to be corresponding to the Intra-operator backbone network 13.

Examiner suggests changing this reference character to “13”.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. **Claims 5-15** are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only, and/or, cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the **claims 5-15 have not been further treated on the merits.**

3. **Claims 1, 16 and 18** are objected to because of the following informalities:

i) **In claim 1:**

a) Terms “(HPLMN, VPLMN)” in lines 2-3 are improper. These terms should be completely spelled out.

Examiner suggests either changing these terms to “(home public land mobile network, visitor public land mobile network)”, or deleting these terms from the claim.

b) Terms “(HPLMN, VPLMN)” in line 7 are improper.

Examiner suggests deleting these terms from the claim.

c) Term “(HPLMN)” in line 9 is improper.

Examiner suggests deleting this term from the claim.

d) Terms “(11, 12, VPLMN, HPLMN)” in line 10 are improper.

Examiner suggests deleting these terms from the claim.

ii) **In claim 16:**

a) Terms “(MS, GGSN)” in line 1 are improper. These terms should be completely spelled out.

Examiner suggests either changing these terms to “(mobile station, gateway general packet radio service support node)”, or deleting these terms from the claim.

b) Terms “(HPLMN, VPLMN)” in line 2 are improper. These terms should be completely spelled out.

Examiner suggests either changing these terms to “(home public land mobile network, visitor public land mobile network)”, or deleting these terms from the claim.

c) Terms “(HPLMN, VPLMN)” in line 6 are improper.

Examiner suggests deleting these terms from the claim.

d) Term “(HPLMN)” in line 8 is improper.

Examiner suggests deleting this term from the claim.

e) Terms “(11, 12, VPLMN, HPLMN)” in line 9 are improper.

iii) **In claim 18:**

a) Terms “(SGSN, GGSN)” in line 2 are improper. These terms should be completely spelled out.

Examiner suggests either changing these terms to “(serving general packet radio service support node, gateway general packet radio service support node)”, or deleting these terms from the claim.

b) Terms “(HPLMN, VPLMN)” in line 3 are improper.

Examiner suggests deleting these terms from the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 1-4 and 16-18** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. **Claim 1:**

a) the limitation “**the mobile communications system (HPLMN)**” in lines 8-9. Is this claimed limitation the same as “a mobile communications system (HPLMN, VPLMN)” in lines 2-3? There is insufficient antecedent basis for this limitation in the claim.

b) the limitation “**the transmission path**” in **line 17** and in **lines 20-21**. Is this claimed limitation the same as “a data transmission path” in line 5 and “said data transmission path” in lines 11-12? There is insufficient antecedent basis for this limitation in the claim.

c) the limitation “**the data flow**” in line 24. There is insufficient antecedent basis for this limitation in the claim since the claimed limitation “in multiple data flows” in line 1 is not clearly sufficient antecedent basis for the limitation “the data flow”.

7. The term “providing **substantially**” in **claim 4** line 2 is a relative term which renders the claim indefinite. The term “**substantially**” is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. In reality, one of ordinary skill in the art would not be providing “substantially” each individual data packet with a profile tag.

8. **Claim 16:**

a) the limitation “**the mobile communications system (HPLMN)**” in lines 7-8. Is this claimed limitation the same as “a mobile communications system (HPLMN, VPLMN)” in line 2? There is insufficient antecedent basis for this limitation in the claim.

b) the limitation “**the transmission path**” in **line 16** and in **line 19**. Is this claimed limitation the same as “a data transmission path” in line 4 and “said data transmission path” in line 10? There is insufficient antecedent basis for this limitation in the claim.

c) the limitation “**the data flow**” in line 23. There is insufficient antecedent basis for this limitation in the claim since the claimed limitation “in multiple data flows” in lines 1-2 is not clearly sufficient antecedent basis for the limitation “the data flow”.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 1-4 and 16-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Forslow** (US Patent No. 6,608,832) in view of **Elliot et al.** (US Patent No. 6,335,927) hereinafter refers to as **Elliot**.

a) **In Regarding to Claim 1: Forslow disclosed** a method for transmitting data packets in multiple data flows to/from a mobile station in a mobile communications system having a packet data transmission capability (*see Fig.2*), the method comprising the steps of:

setting up a data transmission path for the mobile station for routing data packets through the mobile communications system (*see connections between devices 12,16, and node SGSN 50 in Fig.2*);

transmitting data packets through the mobile communications system between said mobile station and an external communication system (*see Fig.1: 34, 35 and 51 (mobile communications system) and 56 (an external communication system); and see col.3 lines 53-65*);

associating at least one profile (Pr) with said data transmission path, said at least one profile comprising at least one quality of service parameter, or QoS parameter (*see Fig.4*);

scheduling and policing the transmission of the data packets within at least one QoS parameter indicated by said profile (*see Fig.8 and col.4 lines 28-41: Base station system GPRS protocol is a flow control protocol, which allows the base station system to start and stop PDUs sent by SGSN (hence scheduling and policing), routing and QoS information (profile Pr)*).

characterized by the further steps of:

associating multiple profiles with the transmission path, each profile comprising at least one QoS parameter (*see col.4 line 61 – col.5 line 21; and see col.14 lines 1-13*);

Forslow failed to explicitly disclose providing each of said multiple flows with a profile tag (PrT) indicating one of the multiple profiles associated with the transmission path in question and scheduling and policing the transmission of individual data packets on the basis of said at least one QoS parameter of the profile indicated by the profile tag associated with the data flow in question.

Eliot disclosed such a profile tag and such scheduling and policing the transmission of individual data packets on the basis of said at least one QoS parameter of the profile indicated by the profile tag associated with the data flow in question (*see col.19 lines 42-58*).

At the time of the invention, **it would be obvious** to a person of ordinary skill in the art to combine such a profile tag and such scheduling and policing the transmission of individual data packets on the basis of said at least one QoS parameter of the profile indicated by the profile tag associated with the data flow in question, as taught by Elliot with Forslow, so that data packets can be sent in order of the priority of mobile stations. **The motivation** for doing so would have

been to provide requested quality of service in a hybrid network. Therefore, it would have been obvious to combine Elliot with Forslow in the invention as specified in the claim.

b) In Regarding to Claim 2: Forslow further disclosed the method according to claim 1, characterized by the steps of:

executing at least two applications in said mobile station, each application belonging to a class/type and having at least one flow associated thereto (*see col.3 line 66 – col.4 line 8; and col.5 line 66 – col.6 line 15*);

transmitting, within a single transmission path, data packets of said at least two applications (*see Fig.2: Intra-PLMN IP backbone 52; col.2 lines 30-43: multiple point-to-point, parallel applications*); and

providing each flow of each application class/type indicating the QoS parameter required by the respective application class/type (*see col.14 lines 1-23*).

Forslow failed to explicitly disclose providing each flow of each application class/type with a **profile tag** indicating the QoS parameter required by the respective application class/type.

Elliot disclosed such a profile tag (*see col.19 lines 42-58*).

At the time of the invention, **it would be obvious** to a person of ordinary skill in the art to combine such a profile tag, as taught by Elliot with Forslow, so that data packets can be sent in order of the priority of mobile stations. **The motivation** for doing so would have been to provide requested quality of service in a hybrid network. Therefore, it would have been obvious to combine Elliot with Forslow in the invention as specified in the claim.

c) In Regarding to Claims 3 and 4: Forslow disclosed all aspects of these claims as set forth in claims 1-2.

Forslow failed to explicitly disclose providing each flow of each individual application with a profile tag.

Elliot disclosed such providing each flow of each individual application with a profile tag (*see col.19 lines 42-58*).

At the time of the invention, **it would be obvious** to a person of ordinary skill in the art to combine such a profile tag, as taught by Elliot with Forslow, so that data packets can be sent in order of the priority of mobile stations. **The motivation** for doing so would have been to provide requested quality of service in a hybrid network. Therefore, it would have been obvious to combine Elliot with Forslow in the invention as specified in the claims.

d) **In Regarding to Claim 16:** the claimed subject matters of this claim are similar to that of claim 1. Therefore, the rejection to the claim 1 would also apply to reject this claim in an apparatus as taught.

e) **In Regarding to Claim 17:** Forslow further disclosed the apparatus according to claim 16, characterized in that the apparatus is or comprises a mobile radio station (*see Fig.2: 14 or 16*).

f) **In Regarding to Claim 18:** Forslow further disclosed the apparatus according to claim 16, characterized in that the apparatus is a support node of a packet radio network (*see Fig.2: node 50*).

Examiner Information

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony T Ton whose telephone number is 571-272-3076. The examiner can normally be reached on M-F: 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W Olms can be reached on 571-272-3079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3076.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ATT

8/28/04

A handwritten signature in black ink, appearing to read 'Phirin Sam', with a stylized, flowing script.

**PHIRIN SAM
PRIMARY EXAMINER**